

securing means for securing the vessel in relation to the drive means during blending, the securing means including means for releasably locating the vessel between a vessel support on which the lid is locatable and a securing member engageable with the vessel during a blending action,

the blending means including an impeller mounted on the lid for rotation relative thereto and for location within the vessel, the impeller being united with the lid during use.

77. (New) A container for blending food product comprising:
a vessel having an opening for receiving food product;
a lid securable to the vessel for closing the opening; and
an impeller integrated with the lid and rotatable relative to the lid, the impeller being coupleable with a drive motor to effect rotation of the impeller within the vessel,
wherein the vessel, lid and impeller are constructed of disposable materials suitable for a single use.

REMARKS

Claims 59-77 are present in this application. By this Amendment, claims 33-58 have been canceled, and claims 59-77 have been added. Reconsideration in view of the above amendments and the following remarks is respectfully requested.

Claims 49 and 50 were objected to under 37 C.F.R. §1.75(c) and 35 U.S.C. §112, fourth paragraph. In addition, claims 49 and 50 were rejected under 35 U.S.C. §112, first paragraph, and claims 45-54 were rejected under 35 U.S.C. §112, second paragraph. As noted, by this Amendment, claims 45-54 have been canceled. Applicant respectfully

submits that new claims 59-77 satisfy the statutory requirements of 35 U.S.C. §112.

Withdrawal of the objection and rejections is respectfully requested.

Claims 45-54 were rejected under 35 U.S.C. §102(b) over U.S. Patent No. 1,351,243 to Graves. As this rejection may apply to the new claims, this rejection is respectfully traversed.

Graves describes a blending apparatus wherein a stirring tool 50 is fixed to an end of a shaft assembly 32, 46 driven via a gear arrangement by an electric motor 12. In contrast with the invention claimed in claim 59, the stirring tool 50 is not united with the lid during use. Rather, the stirring tool 50 is considerably spaced from the lid and secured to the shaft assembly 32, 46, which extends through a tubular member 44. Graves in fact describes that the cover 54 is "slidable vertically upon tubular member 44." See, for example, page 1, lines 80-81.

Claim 59 additionally defines securing means arranged to engage the container for securing the vessel during blending Graves lacks any such securing means and in fact requires that the operator firmly support the container 52 while pressing it upward to effect a blending operation. See, for example, page 1, lines 95-103. Thus, without operator support, the Graves apparatus is designed to prohibit operation.

Independent claim 68 defines a container lid that comprises blending means including an impeller arranged to be rotatable relative to the lid. Claim 68 further defines that the impeller is located on the lid through an opening in the lid as a push fit through the opening and being secured in the opening by an integral clip. With reference to the discussion above, this structure is also lacking in the Graves patent.

In a similar context, claim 71 defines a blending apparatus including a vessel and a lid for the vessel, wherein the lid houses blending means including an impeller extending into the vessel in use and being rotatable relative to the lid. With further reference to the discussion above concerning claim 59, claim 71 additionally defines securing means arranged to engage the container during blending for securing the vessel onto a mounting means. This structure is also lacking in the Graves patent.

Claim 74 defines structure similar to that discussed above with respect to claim 59. In particular, claim 74 recites that the blending means includes an impeller mounted on the lid for rotation relative thereto . . . , wherein the impeller is united with the lid during use. Claim 74 additionally defines an adapter interconnecting the blending means and the drive means. The Graves patent discloses no corresponding structure.

Claim 76 also defines related subject matter, including securing means for securing the vessel in relation to the drive means during blending. Claim 76 recites that the securing means includes means for releasably locating the vessel between a vessel support on which the lid is locatable and a securing member engageable with the vessel during a blending action. Claim 76 additionally recites that the blending means includes an impeller mounted on the lid for rotation relative thereto and for location within the vessel, wherein the impeller is united with the lid during use. As discussed above, this subject matter is lacking in the Graves patent.

Finally, claim 77 defines an impeller integrated with the lid and rotatable relative to the lid, and additionally recites that the vessel, lid and impeller are constructed of disposable materials suitable for a single use. The single use construction gives rise to a

whole new concept avoiding hygiene problems which arise during washing, the ability to fill the containers remotely with factory produced product on a filling line, and simple operation of the blending apparatus. In this context, Graves describes the blending apparatus including readily reusable materials and in fact is designed for repeated use. In no instance would those of ordinary skill in the art even remotely contend that the materials of the Graves apparatus, particularly at least the cover 54 and stirring tool 50, are constructed of disposable materials suitable for a single use.

With respect to the dependent claims, Applicant submits that these claims are allowable at least by virtue of their dependency on an allowable independent claim.

Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 45-54 were further rejected under 35 U.S.C. §102(b) over U.S. Patent No. 4,487,509 to Boyce. As this rejection may apply to the new claims, this rejection is respectfully traversed.

Boyce discloses a blender primarily intended to provide a portable blending apparatus. The blender has a container 12 which is arranged to receive product to be blended. A cap 14 is removably connectable to the container, and a mixer 16 (blending element) is connected to the cap or lid. The container is located on a support base 18 which has a drive assembly. Operation of the drive engages the mixer 16 to blend material in the container.

Claim 59 defines securing means arranged to engage the container for securing the vessel during blending. Boyce lacks any such securing means, and for at least this reason, Applicant submits that the rejection of claim 59 is misplaced.

Additionally, claim 59 recites that the container vessel is nestable with other container vessels by a lower, narrower end of the vessel being locatable into the upper opening of another vessel. In contrast, the container 12 of Boyce has a carrying handle 32, and therefore, is completely unable to be nested with other containers. The nesting feature of the invention enables the containers to be transported to a filling station in a nested condition. Otherwise, the containers will occupy a large space during transportation. They then need to be de-nested at the filling station before or after filling. The provision of a rigid handle on the container in Boyce precludes the container from being nestable.

Still further, the container and cap of Boyce are joined together by inter-engaging screw threads. Claim 59 specifically precludes this from the present arrangement in order to facilitate a one trip construction and the need to employ inexpensive materials for the container. Instead, the present invention relates to a construction for fitting the lid onto the container which avoids the use of screw thread connection. Since the lid may be fitted to the container after filling at a factory or other food filling operation, the fitting of the lids has to be simple and reliable.

Claim 68 recites that the impeller is located through an opening in the lid as a push fit through the opening and is secured by an integral clip. Boyce, in contrast, discloses a conventional mounting for a blender using a metal spindle, bearings and various separate components. The simplified construction of the invention facilitates the assembly as a one trip system, with the lid and blending means of simple construction for economy and disposability. The inventor has found a way of achieving this by providing an opening in

the lid through which the blending means is inserted and is held in position by an integral clip.

With reference to the comments above concerning claim 59, claim 71 relatedly defines the nestable feature and the securing arrangement, both clearly absent from the Boyce patent.

Claim 74, like claim 59, recites that the vessel is nestable with other vessels before assembly with the lid. As noted, in view of the handle structure 32 in Boyce, its vessels cannot be effectively nested. Moreover, claim 74 defines an adapter interconnecting the blending means and the drive means, the adapter including a coupling drivingly engageable at one end of the blending means and at the opposite end of the drive means. This arrangement affords the opportunity of conducting a blending operation from a conventional blender by use of the coupling element. Standard blenders have an output drive shaft, which is inherently different from that possible with the present invention.

Claim 76 defines securing means for securing the vessel in relation to the drive means during blending. The securing means locates the vessel onto its support by having a securing member which engages with the vessel during a blending action, the lid being located on the support. As discussed above, this structure is lacking in the Boyce patent.

Finally, claim 77 defines a container for blending food product, wherein the vessel, lid and impeller constructed of disposable materials suitable for a single use. Similar to the Graves patent discussed above, Boyce describes a structural configuration and materials that are particularly suited for repeated use.

McGILL

Serial No. 09/933,013

With respect to the dependent claims, Applicant submits that these claims are allowable at least by virtue of their dependency on an allowable independent claim.

Reconsideration and withdrawal of the rejection are respectfully requested.

In view of the foregoing amendments and remarks, Applicant respectfully submits that the claims are patentable over the art of record and that the application is in condition for allowance. Should the Examiner believe that anything further is desirable in order to place the application in condition for allowance, the Examiner is invited to contact Applicant's undersigned attorney at the telephone number listed below.

Prompt passage to issuance is earnestly solicited.

Attached hereto is a marked-up version of the changes made to the specification by the current amendment. The attached page is captioned "**Version With Markings To Show Changes Made.**"

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE SPECIFICATION

The paragraph beginning at page 19, line 19:

CS
The shaft portion 34 is hollow and defines a recess 65 for receiving a drive shaft (not shown) of the drive means in driving connection with the element 35. For this purpose the opening 65 has three axially extending ribs [66] 69 or drive dogs for engaging corresponding slots in the drive shaft.
